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EXAMINER				
SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/814,832

Applicant(s)

LUECKHOFF, HERMANN

Examiner

PELING A. SHAW

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/2009 and amendment received 09/08/2009 have been entered. Claims 1-2, 6-8, 10-12, 14-16, 20-21 are amended. Claims 5 and 19 are cancelled. Claims 1-4, 6-18, and 20-22 are currently pending.
2. Amendment received on 01/05/2009 was entered into record. Specification changes were reviewed and accepted. Claims 1, 11 and 13-15 were amended.
3. Amendment received on 07/16/2008 was entered into record. The Office acknowledges the receipt of Applicant's restriction election. Applicant elects Group a, claims 1-10, 11-14 and 15-22, without traverse. Claims 23-24 were withdrawn.

Priority

4. This application has no priority claim made. The filing date is 03/31/2004.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9, 11-17 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Arora et al. (US 20040064512 A1), hereinafter referred as Arora.

- a. Regarding claim 1, Arora disclosed a method for use in a computer system for responding to received electronic messages, the method comprising: upon receipt of an incoming electronic message in a computer system (paragraph 18: a message to join an instant message group), selecting a first meta information from a plurality of meta information portions based on information retrieved from the incoming electronic message (in light of item 310 in applicant's Fig. 3, paragraph 183: rendezvous peer used for discovering information about other peers, peer groups, services and pipes; paragraph 510: rendezvous peer to filter and distribute requests; paragraph 481: membership screening; paragraph 129: share a common set of interests), wherein each meta information includes a rule and a fact attribute identified by the rule (paragraph 80: registered keywords and subjects of interest, registered metadata; paragraph 129: share a common set of interests and that have

agreed upon a common set of rules to publish, share and access any computer content (code, data, applications, or other collections of computer representable resources)); paragraph 719: rule by which security is enforced), wherein: the fact attribute specifies a pre-selected class of stored fact information that is associated with the incoming electronic message (paragraph 510: rendezvous peer to filter and distribute requests; paragraph 481: membership screening), wherein stored fact information is external to the incoming electronic message (paragraphs 348 and 518: advertisement/resource description elements with data and attribute to store metadata, rendezvous peers cache advertisement; paragraph 696: allow services and applications to add arbitrary metadata information to the message), and the rule is associated with an action performed by the computer system with regard to the incoming electronic message when the rule is met by the pre-selected class of stored fact information specified by the fact attribute (paragraphs 166, 694 and 702: codat, sets of actions defined; paragraph 266: action to be checked and permitted to use; paragraph 696: allow services and applications to add arbitrary metadata information to the message); accessing at least the first meta information of the plurality of meta information portions stored in the computer system, the first meta information including a first rule and a first fact attribute (paragraph 80: join the network, query and index registered keywords and subjects of interest, registered metadata); determining a first pre-selected class of a plurality of classes of stored fact information from the first fact attribute and a first service of a plurality of services from the first fact attribute, wherein the first service is specified by the first fact

- attribute and includes executable instructions for retrieving at least a first portion of the first pre-selected class of stored fact information (paragraph 80: query and index registered keywords and subjects of interest, registered metadata); retrieving at least the first portion of the stored fact information that is a member of the first pre-selected class using the first service (paragraph 86: membership service); and storing the first retrieved portion of the stored fact information in a markup language formatted electronic file that is associated with the incoming electronic message such that the first rule is applied to the first retrieved portion (paragraphs 11, 64, 66 and 78: using XPath to locate (route) and process items in XML documents; paragraph 129: share a common set of interests and rules to publish, share and access contents).
- b. Regarding claim 2, Arora disclosed the method of claim 1, wherein the first portion of the stored fact information is retrieved when there is a need to apply the rule (paragraph 719: rule by which security is enforced).
- c. Regarding claim 3, Arora disclosed the method of claim 1, wherein the computer system includes a workflow for processing the incoming electronic message and wherein the method further comprises providing the electronic file with a lifetime bound to the workflow (paragraph 82: item of content may have associated expiration time; paragraphs 258, 351 and 682: services using “time to live”; paragraphs 512, 520, 523 and 596: rendezvous service, query propagation within the limits of loop and TTL).
- d. Regarding claim 6, Arora disclosed the method of claim 1, further comprising performing an initial screening of the incoming electronic message before accessing

- the meta information, wherein a result of the initial screening is used to select the first rule from a plurality of rules (paragraph 129: share a common set of interests and that have agreed upon a common set of rules to publish, share and access any computer content (code, data, applications, or other collections of computer representable resources); paragraph 481: membership screening; paragraph 510: filtering and distributing requests for the best usage of network resources).
- e. Regarding claim 7, Arora disclosed the method of claim 1, wherein the meta information further includes an identifier specifying where the retrieved first portion of stored fact information is to be stored in the electronic file, and wherein the identifier is used in storing the retrieved first portion (paragraph 16: store a zone of instant messaging distributed index, instant messaging information for a subset of the peers at locations in the zone indicated by hashes of identifiers of the peers in the instant messaging group).
- f. Regarding claim 8, Arora disclosed the method of claim 7, further comprising using the identifier to access the retrieved first portion of stored fact information in the electronic file to apply the first rule to the retrieved first portion (paragraph 129: share a common set of interests and rules to publish, share and access contents; paragraph 719: rule by which security is enforced).
- g. Regarding claim 9, Arora disclosed the method of claim 7, wherein the identifier is an XPath query (paragraph 11, XPath for locate and process items in XML; paragraph 64: XPath query for XML).

- h. Claims 11-14 are of the same scope as claims 1-3 and 6. These are rejected for the same reasons as for claims 1-3 and 6.
- i. Claims 15-17 and 20-22 are of the same scope as claims 1-3 and 7-9. These are rejected for the same reasons as for claims 1-3 and 7-9.

Arora disclosed all limitations of claims 1-3, 6-9, 11-17, 20-22. Claims 1-3, 6-9, 11-17, 20-22 are rejected under 35 U.S.C. 102(c).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora as applied to claim 1 above, and further in view of Chandra et al. (US 7130885 B2), hereinafter referred as Chandra.

- a. Regarding claim 4, Arora disclosed the invention substantially as claimed. Arora does not explicitly disclose wherein the electronic file is an XML document and the retrieved portion is stored in the XML document using an XSL transaction. However, Arora does show (paragraph 662) using XML to send message of different types.
- b. Chandra shows (Fig. 18E and column 71, line 38-column 72, lines 8) that XSL style sheet is used to generate XML schema from XML transported via HTTP, IIOP or SMTP in an analogous art for the purpose of providing electronic messages that are linked and aggregated.
- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Arora's functions of instant messaging using distributed indexes with Chandra's functions of using XSL to generate XML.
- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to further detail how XML would be implemented in the

- electronic messaging system as per Chandra in the general art of using XML in messaging as per Arora (paragraph 347) and Chandra (column 67, lines 36-53)'s teaching.
- e. Regarding claim 10, Chandra shows wherein the retrieved first portion of the stored fact information pertains to at least one category selected from the group consisting of: a business context of the incoming electronic message, analytical data relating to the incoming electronic message, availability of a person for attending to the incoming electronic message, a skill of a person for attending to the incoming electronic message, communication information relating to the incoming electronic message, an industry with which the incoming electronic message is associated, and combinations thereof (Fig. 13A and 13D; column 54, line 44-column 55, line 4: invitation to meet; column 55, lines 57-67: schedule for availability). Arora shows (paragraph 485) embodiments of a peer-to-peer platform discovery service may leverage surrounding peers and peer groups, provide meetings points for far away peers and groups, use an asynchronous protocol and provide reverse discovery; and (paragraph 508) a rendezvous peer may be described as a meeting point where peers and/or peer groups may register to be discovered, and may also discover other peers and/or peer groups, and retrieve information on discovered peers and/or peer groups.
- f. Claim 18 is of the same scope as claim 4. It is rejected for the same reasons as for claim 4.

Together Arora and Chandra disclosed all limitations of claims 4, 10 and 18. Claims 4, 10 and 18 are rejected under 35 U.S.C. 103(a).

Response to Arguments

7. Applicant's arguments filed on 09/08/2009 have been fully considered, but they are not persuasive.
- a. Applicant argued that Arora and Chandra taken alone or in combination do not teach or suggest the limitations of "determining a first pre-selected class of a plurality of classes of stored fact information" and "wherein stored fact information is external to the incoming electronic message" (see claim 1 language on page 2 and 2nd paragraph on page 11 through 1st paragraph on page 12 of current amendment). Examiner has reviewed applicant's specification and found item 310 of Fig. 3 on performing screening before item 320 of Fig. 3 on accessing meta information. Examiner has searched and found in Arora (paragraph 183) rendezvous peer used for discovering information about other peers, peer groups, services and pipes; (paragraph 510) rendezvous peer to filter and distribute requests; (paragraph 481) peers screened for membership; and (paragraph 129) peer group sharing a common set of interests. Here Arora has taught or suggested the limitation of determining (filter and distribute request) a first pre-selected class of a plurality of classes (peer groups of common interest) of stored fact information (paragraph 129: have agreed upon a common set of rules to publish, share and access any computer content (code, data, applications, or other collections of computer representable resources)). Arora has further disclosed (paragraphs 348 and 518) advertisement/resource description elements with data and attribute to store metadata, rendezvous peers cache advertisement; and (paragraph 696) allow services and applications to add arbitrary metadata information to the

message. Thus Arora has further disclosed the limitation of “wherein stored fact information is external to the incoming electronic message”.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444